

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
\$49,205.27 IN UNITED STATES CURRENCY,)
)
Defendant.)

**UNITED STATES' UNOPPOSED MOTION TO
CONTINUE THE DATE TO FILE ITS COMPLAINT FOR
FORFEITURE *IN REM* IN THE ABOVE-CAPTIONED MATTER
AND ORDER**

The United States of America ("United States"), by and through Gregory A. Brower, United States Attorney, and Michael A. Humphreys, Assistant United States Attorney, respectfully apply for an extension of time until and including November 30, 2009 pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$49,205.27 in United States Currency. The Government's Complaint is currently due September 1, 2009.

Claimant, Gregg Gariti, through his counsel, Margaret Standish, consents to this motion.

Gregg Gariti and numerous associates of his have been the focus of a historical state/federal criminal investigation into their activities of alleged unlawful gaming activities in Nevada and

1 elsewhere. Generally speaking, the Government has developed information that Gariti and others
2 were operating an illegal book-making operation from approximately December 2008 through
3 approximately April 2009, all in violation of 18 U.S.C. § 1084 and other federal anti-gambling
4 statutes. A principal situs of that illegal operation was Las Vegas, Nevada.

5 Gariti is recently aware of that investigation, and, with his counsel, has been engaged in plea
6 negotiations with the Government in an endeavor to complete a universal disposition. Those
7 negotiations continue. In the meantime, the Government has a deadline, under the strictures of 18
8 U.S.C. 983 (a)(3)(A), to file its forfeiture complaint, regarding the above-captioned currency, no
9 later than September 1, 2009.

10 The afore-referenced plea negotiations will not be completed by the time the Government
11 is required to file its complaint.

12 The Government, herewith, petitions this Court to extend the time for the Government to file
13 its civil complaint in the above-captioned matter, to facilitate a possible, if not likely, universal plea
14 disposition.

15 Under 18 U.S.C. § 983(a)(3)(A), which states:

16 [T]he Government shall file a complaint for forfeiture in the manner
17 set forth in the Supplemental Rules for Certain Admiralty and
18 Maritime Claims . . . , a court in the district in which a complaint will
be filed may extend the period for filing a complaint for good cause
shown or *upon agreement of the parties*. (emphasis added)

19 A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil
20 Complaint For Forfeiture In Rem. On August 26, 2009, Gariti's counsel agreed to the extension of
21 time and authorized counsel for the United States to file this Unopposed Application with this Court.
22 Because the parties have agreed to the extension of time to file a Civil Complaint For Forfeiture In
23 Rem, this Court should extend the time.

24 This Unopposed Application is not submitted solely for the purpose of delay or for any other
25 improper purpose.

26 . . .

1 WHEREFORE, the United States moves this Court to grant it's motion to extend the time
2 for the United States to file it's civil complaint in the above-captioned matter for an additional 61
3 days, or until November 1, 2009.

4 DATED this 27th day of August 2009.

5 Respectfully submitted,

6 GREGORY A. BROWER
United States Attorney

7 /s/Michael A. Humphreys
8 MICHAEL A. HUMPHREYS
Assistant United States Attorney

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11 IT IS SO ORDERED:

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14 _____
15 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

16 DATED: September 2, 2009
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